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October 26, 2023

VIA ECF

Hon. Andrew L. Carter
United States Courthouse
40 Foley Square, Room 435
New York, NY 10007

MEMO ENDORSED

Re: *Eventim Live Asia Pte. Ltd v. KAMP Music Festival Inc.*, 1:23-cv-05942-ALC

Dear Judge Carter:

We represent Plaintiff Eventim Live Asia Pte. Ltd (“ELA”) in the above referenced matter. We write pursuant to SDNY ECF Rules & Instructions 6.14, for leave to file in redacted form ELA’s Memorandum of Law In Support of Its Motion for Default Judgment and Damages, and the accompanying Declaration of Steven L. Penaro, and Affidavit of Jason Miller. As set forth below, these documents contain confidential information.¹

ELA’s documents in support of its Motion for Default refer to information related to the parties’ business relationship, negotiations, and agreements that ELA is contractually obligated to keep confidential. See § 4.1 of Exhibit C (“[e]ach party acknowledges and agrees that certain information which it may receive from the other party is confidential (“**Confidential Information**”) which includes without limitation the terms and conditions of this Agreement, any non-public information concerning the businesses or finances of the other party. . .”). In light of this provision, out of an abundance of caution, ELA seeks leave to file the above-referenced documents in redacted form. ELA submits with this letter proposed redactions to the Memorandum of Law, Declaration of Steven L. Penaro, and Affidavit of Jason Miller.

This Court has “supervisory power over its own records and files,” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978), and may seal documents after “weighing the interests advanced by the parties in light of the public interest and the duty of the courts.” *Id.* at 602; *F.D.I.C. v. Ernst & Ernst*, 677 F.2d 230, 232 (2d Cir. 1982) (“It is beyond question that a court may issue orders prohibiting disclosure of documents or information.”); see also *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). Although there is a presumption of public access to court documents, such access must be weighed against the danger of impairing judicial efficiency as well as a party’s privacy interests. *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995).

¹ ELA also proposes redacting Exhibit 1 and sealing Exhibits 6, 8-10, and 12-17.

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ELA is electronically serving the Court and serving Defendant KAMP Music Festival Inc. ("KAMP") by certified mail with copies of the documents in support of its Motion for Default that ELA proposes to file in redacted and sealed form so as not to prejudice KAMP's ability to respond.

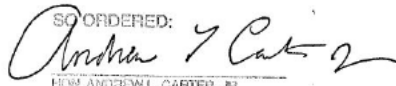
For the aforementioned reasons and for good cause shown, ELA respectfully requests that this Court permit it to file its Motion for Default and accompanying documents in redacted form and under seal. We are available at Your Honor's convenience should the Court require any additional information.

Respectfully submitted,

/s/ Steven L. Penaro
Steven L. Penaro

Enclosures

Plaintiff's motion to seal ECF Nos. 22-24 is hereby GRANTED.
The Clerk of the Court is respectfully directed to maintain ECF
Nos. 22-24 under seal. The documents contain sensitive
information that should not be a part of public record.

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: October 27, 2023
New York, NY